

REMARKS***Claim Rejections Under 35 U.S.C. 103***

Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US Publication no. 20040047122) in view of Johnson (US patent no. 2,958,496).

Applicant respectfully traverses this rejection. In the final office action, Page 6, the last paragraph, Examiner points out that Chen publication no. 20040047122 claims priority of Taiwan application 91214020 with priority date of September 9, 2002 which predates applicant's Taiwan application date of December 13, 2002. So claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US Publication no. 20040047122) in view of Johnson (US patent no. 2,958,496).

However, Applicant believes the view of Examiner is incorrect on **two** things.

First, the Chen reference can NOT use its own foreign priority filing date (09/09/2002) to be the rejection basis against the instant application. Please see Attachment 1 of this response, which shows the foreign priority date of the reference could not be relied upon in a 102(e) rejection.

In other words, Chen only can use its own actual US filing date 12/27/2002 to be the rejection basis. As a result, it is clear/understood that Chen can not predate the instant application by its actual US filing date if the applicant submits the verified corresponding translation to the already filed Certified copy of Taiwan counter part application. Anyhow, because claim 16 is rejected under 103 rather than 102(e), applicant does not think it is necessary to submit the corresponding translation for depending upon the Taiwan priority date (12/13/2002) of the instant application to define over Chen.

Secondly, as mentioned in the last response, the Chen reference is an unqualified reference. As clearly known, the instant application has a filing date of

08/18/2003 which is earlier than the publication date (03/11/2004), so Chen is a 102(e)/103 rejection reference to the instant application rather than the 103 rejection reference. As mentioned in the last response, both the Chen reference and the instant invention were, at the time the invention of the instant application was made, owned by the same assignee, i.e., Hon Hai Precision Ind. Co., Ltd., Thus, the Chen reference should be excluded from this 103 rejection basis. Please see Attachment 2, which states

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In the current office action, *the Examiner says nothing on this assertion made by the Applicant in the last response.* Applicant respectfully requests the Examiner pay attention to this regulation this time. It should be understood that without the Chen reference, the remaining Johnson reference can no longer render obvious the invention as defined in claims. Thus, claim 16 is deemed allowable.

In view of the foregoing, the subject application as claimed in the pending claims is in a condition for allowance and an action to such effect is earnestly solicited.

Respectfully submitted,
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